

An. Code, 1924, sec. 12. 1912, sec. 10. 1904, sec. 10. 1888, sec. 9. 1874, ch. 231. 1876, ch. 363.

19. For receiving and paying over all public money received for licenses, fines or otherwise, the several clerks of courts of this State shall receive five per centum, except the clerk of the court of common pleas, who shall receive one per centum commissions for receiving and paying over such public money.

An. Code, 1924, sec. 13. 1912, sec. 11. 1904, sec. 11. 1888, sec. 10. 1853, ch. 444, sec. 1. 1862, ch. 255. 1865, ch. 157.

20. The clerks of the circuit courts for the counties, the emoluments of whose office shall exceed the sum of three thousand dollars in any one year, after deducting therefrom the necessary expenses incident to their office for the same period, shall pay the excess to the treasurer; and the clerk of the court of appeals shall also pay the excess over the sum of three thousand dollars, after making the deduction aforesaid; and every such circuit court clerk, the emoluments of whose office shall not amount to the sum of three thousand dollars in any one year, as aforesaid, may present a statement to the county commissioners of his county, under oath, showing the net proceeds of his office, together with a statement of the cost of the necessary record books, stationery and fuel used in his office up to the first Monday in June in each year; and the said county commissioners are hereby authorized and empowered to pay or levy for the use of said clerk the amount of said books, stationery and fuel, as aforesaid; provided, that the amount so paid or levied shall not, when added to the net proceeds of his office, exceed the sum of three thousand dollars.

As to registers of wills, see art. 93, sec. 287, *et seq.*

An. Code, 1924, sec. 14. 1912, sec. 12. 1904, sec. 12. 1888, sec. 11. 1868, ch. 54.

21. Whenever the fees or other compensation of any of the clerks of the courts of Baltimore City shall, after the payment of all necessary expenses, fail to pay such clerk the salary provided for by the constitution, and said clerks, or any of them, shall, under section first, article fifteen, of the constitution, have paid to the State any sum or sums of money as excess, after retaining his salary, such excess is hereby appropriated to the payment of the salary or salaries so in arrear until each of said clerks shall have received the full amount thereof; and it shall be the duty of the comptroller of the State to draw a warrant upon the State treasurer for the payment of said arrears out of the said excess, not to exceed the amount so in arrear, and not to exceed the whole amount of said excess paid into the treasury of the State.

If the fees collected by the clerk of the criminal court are inadequate to meet the expenses of his office, the deficiency may only be supplied by the state treasurer, as provided by this section. Liability of the city of Baltimore for fees due the clerk of the criminal court. *Baltimore v. Pattison*, 136 Md. 70.

This section in effect dedicates the receipts of a clerk's office primarily to the payment of all necessary expenses, among which are the salaries of deputies. The clerk cannot appropriate any of the receipts to his salary until such expenses are paid. This section referred to in determining the liability of a clerk's bond under secs. 18 and 24. State, use *Smith v. Turner*, 101 Md. 588.

Constitutionality of this section not passed on. Acts 1924, ch. 576, unconstitutional. *Baltimore v. O'Connor*, 147 Md. 652.

As to fees chargeable by clerks of courts, see art. 36, sec. 12.

An. Code, 1924, sec. 15. 1912, sec. 13. 1904, sec. 13. 1888, sec. 12. 1853, ch. 444, secs. 2, 3. 1862, ch. 255.

22. Every clerk, including the clerk of the court of appeals, shall annually return to the comptroller a full and accurate account of all his